

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 2551 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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GUNVANTBHAI KACHRABHAI MAHIDA

Versus

STATE OF GUJARAT

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Appearance:

MR YS LAKHANI for Petitioners  
Mr K P Raval, APP for Respondent No. 1  
MR VIJAY H PATEL for Respondent No. 2

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 19/02/97

ORAL JUDGEMENT

This Misc.Criminal Application has been filed seeking direction to quash the complaint filed by respondent No.2 on 10.6.1996 before the learned Metropolitan Magistrate, Court No.7 at Ahmedabad being CR No.40/96 for offence under section 366 and 114 of the

Indian Penal Code.

2. The say of the complainant Kanubhai Haribhai Patel is that his daughter Shradha has been kidnapped by the accused Gunvantbhai K Mahida. This Court issued Rule by order dated 19.6.1996. Lastly, when it was taken up on 17.2.1997, this Court asked the learned Advocate for the respondent No.2 to keep his client present in the court. However, he is not present even today. Shradha Patel has filed an affidavit stating that she has voluntarily married with Gunvantbhai on 3.4.1996. She has also stated that she was in deep love with him for the last more than 5 years. It is stated that now they are living as husband and wife, and their married life is happy. An affidavit on the same line was filed by Gunvantbhai also. It is not in dispute that Shradha is 21 years of age. She was present before me on 17.2.1997 as well as today a.i.e. on 19.2.1997. She has expressed before me that she has married with Gunvantbhai and is leading a happy married life. She is a graduate and she very well understand her welfare. Gunvantbhai is working as a clerk in the office of RTO.

3. Considering all the facts of the case, no prima facie case against the petitioners can be said to have made for offence under section 366 and 114 of the IPC and no useful purpose is going to be served in proceeding further the CR.No.40/96 pending in the court of Metropolitan Magistrate, Court No.7, Ahmedabad.

4. In view of the aforesaid, this Criminal Misc. Application is allowed. C.R. No.40/96 pending in the court of Metropolitan Magistrate, Court No.7, Ahmedabad is quashed and set aside. Rule made absolute accordingly.

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